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Review of Klusmeyer and Papademetriou, Immigration Policy in the Federal Republic of Germany

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***Immigration Policy in the Federal Republic of Germany: Negotiating Membership and Remaking the Nation.* By Douglas B. Klusmeyer and Demetrios G. Papademetriou.** New York: Berghahn, 2013. 336 pp. \$34.95/£22.50, softcover. ISBN: 978-0-85745-625-0.

Writing about immigration policy in the Federal Republic of Germany has long posed a particular challenge for scholars. For most of the post-war period, the German state refused to acknowledge that national policies on immigration and naturalization were even necessary in the first place, a stance encapsulated in the phrase made famous by Helmut Kohl in 1989: “*Deutschland ist kein Einwanderungsland*” (“Germany is not a country of immigration”). Scholars like Leo Lucassen, Klaus Bade and Christian Joppke have looked beneath and beyond this willful self-deception to identify how “below the hectic and anti-immigrant surface of German politics from the 1970s onward, a *de facto* structural integration policy has developed.”¹ This *de facto* policy was formulated and implemented at the local or the federal state level and drew on precedents from the long history of migration to German lands in the *Kaiserreich*, Weimar and National Socialist periods.² Where studies of immigration policy in other countries might be confined to national-level legislation and policy, research on Germany necessarily draws on varying research scales and grapples with (often unacknowledged) historical continuities and the disconnect throughout much of the FRG’s history between political rhetoric and demographic reality.

It is this challenge which Douglas Klusmeyer and Demetrios Papademetriou brave with their 2009 volume *Immigration Policy in the Federal Republic of Germany*, recently released in softcover. Klusmeyer and Papademetriou’s volume offers a concise and readable overview of the historical development of immigration policy in Germany, mastering the aforementioned research challenges with a narrative which acknowledges the oft-contradictory and incoherent nature of German policies while still identifying the consistent – albeit broad – underlying dimensions of those policies. Klusmeyer, a historian and legal scholar, and Papademetriou, the president of the Migration Policy Institute, a leading migration think-tank, aim in their study to “stay mindful of how such problems as immigrant integration took their current shape [and] to address pragmatically the realities of the present and the needs of the future” (xv).

Klusmeyer and Papademetriou divide their study into four parts. The first – and most original – part draws on a nuanced reading of German constitutional law to identify five “dimensions of membership” enshrined in the Basic Law which underlie immigration and citizenship policy, structuring the policies put into place as well as limiting the possibility for more wide-ranging or ambitious national policies (xv). These dimensions (international, federal, civic, social and ethno-national) reflect and bolster competing impulses in national immigration policy. The authors argue that the implementation of divergent policies drawing upon any of these five dimensions helps cause the incoherence which makes German policy so difficult to analyze. Klusmeyer and Papademetriou make clear that, while policies based on each of these dimensions have been proposed and adopted, the latter ethno-national dimension has generally

¹ Leo Lucassen, *The Immigrant Threat: The Integration of Old and New Migrants in Western Europe since 1850* (Urbana: University of Illinois Press, 2005): 155; Klaus Bade, *Europa in Bewegung: Migration vom späten 18. Jahrhundert bis zur Gegenwart* (Munich: C.H. Beck, 2000): 166-7; Christian Joppke, *Immigration and the Nation-State: The United States, Germany, and Great Britain* (Oxford: Oxford University Press, 1998): 62-65.

² See Werner Schifffauer, “Islam as a Civil Religion: Political Culture and the Organization of Diversity in Germany” in Tariq Modood and Pnina Werber (eds.), *The Politics of Multiculturalism in the New Europe: Racism, Identity and Community* (London: Zed, 1997); Ulrich Herbert, *Geschichte der Ausländerpolitik in Deutschland: Saisonarbeiter, Zwangsarbeiter, Gastarbeiter, Flüchtlinge* (Munich: C.H. Beck, 2001).

been the most influential, an argument which broadly aligns the authors with a common interpretation of Germany's citizenship regime as most representative of a *jus sanguinis* – that is, a right to citizenship through birth to citizen parents – model of belonging.³

Klusmeyer and Papademetriou stake out a middle-ground position within this literature on German citizenship characteristic of their measured, consensus-based approach throughout the volume. They differentiate themselves here particularly from Rogers Brubaker's oft-cited and critiqued *Citizenship and Nationhood in France and Germany* by arguing that the Basic Law supports both *jus sanguinis* ethno-national interpretations of German citizenship as well as broader, universalistic liberal-democratic norms. The latter, the authors maintain, can and have been called upon to support the extension of social rights, including citizenship, to immigrants. Klusmeyer and Papademetriou offer fewer examples of such alternative, non-ethno-national dimensions of membership actually influencing policy. What examples they do offer draw heavily on evidence from Christian Joppke's *Immigration and the Nation-State*, which documents the role of human rights language in the Basic Law in shaping West German refugee policies in the 1980s in particular. Nevertheless, even given the paucity of examples, by acknowledging and delineating the various dimensions of membership in the Basic Law, the authors put paid to the notion that Germany, in contrast to the United States, Canada or even Britain, is simply a nation congenitally incapable of defining membership on anything other than ethnic grounds.

In the second part, the authors offer a history of immigration to West Germany. Their overview is oriented towards providing context and background for Germany's present immigration policies. As such, Klusmeyer and Papademetriou are selective in their coverage, emphasizing, for example, post-war legal history and pre- and post-war policies related to *Auslandsdeutsche*.⁴ Other potential avenues of continuity in culture or attitudes towards race or developments taking place below the national level are given less attention, though they are reflected in the section's extensive bibliography. For non-specialists, the authors' summation of a complex history is judicious and measured and their suggestions for further reading are well chosen. Even those more familiar with the history of German citizenship will find the bibliography invaluable, particularly in bringing together diverse disciplinary literatures across political science, history and legal studies.

The third section of the book examines the importance of European Union institutions for German immigration policy. The authors present the influence of the EU as similar to that of the five dimensions described in the first part of the study; which is to say, one which shapes some but not all policies. For example, Klusmeyer and Papademetriou highlight the influence of the 1990 Dublin Convention, which helped make possible Germany's more restrictive asylum policies introduced in 1993 (168-180). This interpretation of the 1993 policy changes as originating in European policy rather than the ethno-nationalist dimension further erodes the notion that *jus sanguinis* has and will always delimit German attitudes toward citizenship and belonging. On the other hand, Klusmeyer and Papademetriou demonstrate how, when ethno-national and European dimensions come into conflict the former tends to win out. An

³ The classic comparison between *jus sanguinis* Germany and *jus solis* France is found in Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1998).

⁴ German-speaking minority groups living outside of the German Empire, Weimar Republic or Federal Republic proper.

examination of policies supporting *Aussiedler*⁵ migration, which facilitated German (and thus EU) citizenship for ethnic Germans without meaningful consideration of its European implications offers evidence for this. While Europe is not always a decisive factor in the book, this focus on the European dimension is a major strength which recommends it over previous and more narrowly nationally-focused English-language works.

The final part of the book focuses on the migration and immigration issues facing Germany in the 21st century, particularly in light of the country's graying demographic trends and changes to its citizenship and immigration policies enacted by 1999 and 2005 reforms. The authors single out a 2001 report by the Independent Commission on Immigration as particularly perceptive and far-sighted in identifying Germany's need for high-skilled immigration and a proactive, rather than reactive, integration policy. That this balanced and consensus-based conclusion was not reflected in the fairly modest 2005 Migration Law, in Klusmeyer and Papademetriou's view, exemplifies the continuing primacy of the ethno-national dimension over other potential definitions of membership in the German nation. For the authors, this continued preoccupation with German ethno-national identity is embodied in the *Leitkultur*⁶ debate of the early 2000s. The contention that the ethno-national dimension continues to dictate and delimit German immigration policy is further supported by events which took place after the book's initial publication, including the furor accompanying the publication of Thilo Sarrazin's *Deutschland schafft sich ab* – (*Germany Does Away With Itself*), the debate surrounding dual citizenship as part of recent coalition negotiations or even the rise of the *Alternative für Deutschland* party as an increasingly nativist voice in German political discourse. Despite the continued prevalence of ethno-national discourses, Klusmeyer and Papademetriou offer a compelling normative argument for the possibility of an alternative conception of national membership, one whose historical roots run deeper than is often acknowledged, as they demonstrated in the preceding sections.

In conclusion, *Immigration Policy in the Federal Republic of Germany* achieves its aims in providing a concise overview of the history of immigration policy in Germany. The authors offer a consistent, if not entirely novel, argument about the primacy of ethno-national understandings of belonging in structuring policy and limiting the potential for innovative responses to demographic realities. There are studies which provide deeper insight into the underlying roots of this ethno-national dimension in particularly racialized understandings of culture, as well as studies which offer a denser institutional explanation for policy incoherence predicated on the limitations of Germany's semi-sovereign model.⁷ Nevertheless, Klusmeyer and Papademetriou's work is a useful and thorough introduction to the complexities of German immigration policy which should take its place as the definitive English-language volume on the topic.

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⁵ Individuals born within Germany's former eastern territories or ethnic Germans residents in former Warsaw Pact countries who were entitled to German citizenship until the practice was limited at the end of 1992.

⁶ "Leading culture" or "guiding culture."

⁷ See Rita Chin, *The Guest Worker Question in Postwar Germany* (Cambridge: Cambridge University Press, 2007); Simon Green, *The Politics of Exclusion: Institutions and Immigration Policy in Contemporary Germany* (Manchester: Manchester University Press, 2004).